

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Phillip C. Colella)	Chapter 13 Bankruptcy
)	Case No. 19-41358
Debtor)	JUDGE RUSS KENDIG
)	OBJECTION TO DEBTOR'S PLAN

OBJECTION TO DEBTOR'S PLAN

Now comes Creditors, DEANNA L. MARCHIONDA & DEANNA COLELLA LIVING TRUST, by and through counsel who object to the Confirmation of the Debtor's Chapter 13 Plan (Document 9) filed on or about August 7, 2019. As grounds the Creditors state the following:

1. That the Debtor filed Chapter 13 on or about July 24, 2019.
2. That on August 7, 2019 Debtor filed his schedules as well as his Chapter 13 Plan.
3. That in Schedule F of the schedules the Debtor listed both Deanna L. Marchionda & Deanna Colella Living Trust as General Unsecured Creditors. It is the Objectors' position that each are a priority creditor.
4. That the Debtor and Deanna L. Marchionda were married on June 16, 2001 and legally divorced on November 25, 2014.
5. That pursuant to Paragraph 3 of the parties Separation Agreement, the Debtor was to assume certain debts that Deanna L. Marchionda was a co-signer, including Fifth Third Bank. In addition the Debtor was to refinance the Fifth Third Bank debt into his name individually within three (3) years of their final separation. Said agreement was in lieu of Spousal Support.
6. That the Debtor failed to refinance the Fifth Third debt and stated during court proceedings to be rejected by multiple banks during March of 2018 yet was able to finance a \$400,000.00 home mortgage with only five percent down during April of 2018.
7. That the Debtor has continued to fail to pay his life insurance premiums of as set forth in Paragraph 2 of the parties' separation agreement for the Deanna Colella Living Trust. The Life Insurance was for the benefits of the parties children.

8. That as a result of the Debtor's 2018 home purchase the Debtor now is claiming \$400.00 in monthly home maintenance cost.
9. That the Debtor purchased a dog for \$1000.00 only a month prior to filing his bankruptcy and then claimed \$200.00 on monthly pet expenses.
10. That a hearing was scheduled on August 2, 2019 in the Mahoning County Domestic Relations Court to determine if the Debtor would be held in contempt of Court for failing to regarding Contempt of Court for failing to refinance the Fifth Third obligation.
11. That the Debtor is engaged and his fiancé and her three children live with the Debtor. But the Debtor failed to list her employment, income and individual monthly expenses to show her accurate household contribution.

Wherefore the Creditor Deanna L. Marchionda & Deanna Colella Living Trust requests an Order denying his Chapter 13 Plan filed August 7, 2019.

Respectfully submitted,

T. ROBERT BRICKER, LLC

/s/ T. Robert Bricker
T. Robert Bricker (0072560)
106 South Broad Street
Canfield, Ohio 44406
(330) 533-3322
Attorney for Deanna L. Marchionda & Deanna
Colella Living Trust

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection was forwarded by regular U.S. Mail, prepaid postage and/or electronically this 1st day of October, 2019, to:

ELECTRONICALLY

U.S. Trustee Office

Attorney Michael Gallo, mgallo@gallotrustee.com, mgallo@ecf.epiqsystems.com

mmacejko@suharlaw.com; Suhar & Macejko, LLC, 29 East Front Street, 2nd Floor, P.O. Box 1497, Youngstown, OH 44501-1497

/s/ T. Robert Bricker

T. Robert Bricker (0072560)